

REMARKS

Claim 8 is amended herein and new claim 67 is added. Support for the amendment is found, for example, at page 26, lines 16-2, and page 27, lines 3-7. No new matter is presented.

Thus upon entry of the amendment, claims 8, and 65-67 will be all of the claims pending. Of these, claims 65 and 66 have been withdrawn from consideration as being directed to a non-elected invention.

Applicants respectfully request rejoinder of claims 65 and 66 in accordance with the provisions of MPEP § 821.04 since these claims depend from independent claim 8 and therefore include all elements of the composition.

I. Response to §102 Rejection

Claim 8 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Clark, US 4,829,124.

The Examiner asserts that the claimed acrylonitrile elastomer is crosslinked with the thermoplastic polyolefin which would appear to read on the thermoplastic elastomer of the prior art.

Applicants respectfully traverse the rejection and submit that the Examiner's understanding is incorrect.

Clark discloses a thermoplastic elastomer which has a melting point (i.e., melt by heat). Further, in the thermoplastic elastomer of Clark, owing to a chemical reaction among the three component material, a structural change is caused and it exhibits thermoplastic properties.

On the contrary, in the present invention, the component materials, i.e., the carboxylated acrylonitrile-butadiene rubber and polyolefin based resin, do not react with each other. Instead, by a cross-linking agent, which is separately added, only the rubber component is reacted and changed into a cross-linked state. This is a significant difference between the present invention and the disclosure of Clark as previously pointed out in the Amendment filed February 20, 2007, which is incorporated herein by reference.

Notwithstanding the above and without conceding the merits of the rejection, claim 8 is amended herein to additionally recite a vulcanizing agent to further distinguish the present invention from Clark. Clark does not disclose, teach or suggest a vulcanizing agent (crosslinking agent) consisting of peroxides as recited in amended claim 8 and there is no apparent reason for one of ordinary skill in the art to modify the disclosure of Clark with a reasonable expectation of success in achieving the present invention. Thus, the present invention is not anticipated, nor rendered obvious.

Accordingly, Applicants respectfully request withdrawal of the §102 rejection based on Clark.

II. Conclusion

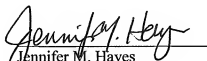
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/804,142

Attorney Docket No.: Q80622

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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